

Appl. No: 09/411,418
Reply to Office Action of July 28, 2005

REMARKS/ARGUMENTS

Prior to this Amendment, claims 1-20 and 25 were pending in the application.

The amendments presented herein are in response to arguments under 35 U.S.C. §101. Additionally, new claims 26-29 are added to further protect features of the invention, with support being found at least in paragraphs [0146]-[0151].

After entry of the Amendment, claims 1-20 and 25-29 remain for consideration by the Examiner

A. Rejections under 35 U.S.C. §101

In the July 28, 2005 Office Action, claims 1-20 and 25 were rejected under 35 U.S.C. §101 as being directed towards non-statutory subject matter. The pending independent claims have been amended as suggested by the Examiner in paragraph 8, page 6 of the Office Action. As a result, the pending claims are believed to comply with the requirements of 35 U.S.C. §101 and to be in condition for allowance.

B. Rejection of Claims Under Nonstatutory Double Patenting

The Office Action also rejected claims 1-20 and 25 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of U.S. Patent No. 6,460,174 to John A. Carey. A terminal disclaimer is provided with this Amendment, and as a result, it is believed that the double patenting rejection is overcome.

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C. Conclusion

In view of all of the above, it is requested that a timely Notice of Allowance be issued in this case.

No fee is believed to be required by this response. Any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

10/21/05



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Attachment: Terminal Disclaimer